

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NANCY M. GOULD,	)	4:03CV3175
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
JO ANNE B. BARNHART,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (filing 24). Plaintiff's attorney requested fees of \$5,694.80, representing 40 hours of attorney time at \$142.37 per hour, plus expenses in the amount of \$9.80. The Commissioner has filed a response (filing 24) stating that the parties have agreed to an award of EAJA fees in the amount of \$5,000.00, plus expenses of \$9.80.

The court has determined that Plaintiff was indeed the prevailing party in this action, as this action was remanded to the Secretary for further action; that the application for fees was filed in a timely fashion; and that the position of the Commissioner was not substantially justified. Therefore, Plaintiff is entitled to an award of attorney fees.

IT IS ORDERED:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing 24) is granted; and

2. By separate document, the court shall enter judgment for Plaintiff and against Defendant providing that Plaintiff is awarded attorney fees in the amount of \$5,000.00 and expenses in the amount of \$9.80. Payment shall be made directly to the attorney for Plaintiff, either in the form of a check or by electronic deposit of funds.

May 6, 2005.

BY THE COURT:

s/Richard G. Kopf  
United States District Judge